

# HOUSE BILL ANALYSIS

## HB 2086

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**Title:** An act relating to the unlawful discharge of lasers.

**Brief Description:** Creating crimes of unlawful discharge of a laser.

**Sponsors:** Representatives Esser, Carrell, O'Brien, Constantine, Lovick, Schindler and Anderson.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Dianne Ramerman (786-7172).

**Background:**

The state does not have a criminal statute specifically relating to the unlawful discharge of a laser at a person.

*Definitions of Culpability:* First, ~~knowledge~~ means a person knows or acts knowingly or with knowledge when he or she is aware of a fact, facts, or circumstances or results described by a statute defining an offense; or he or she has information which would lead a reasonable person in the same situation to believe facts exist which facts are described by the statute defining an offense.

Second, ~~maliciously~~ shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

*Malicious Mischief.* A person commits unlawful discharge of a laser under circumstances not amounting to either first, second, or third degree malicious mischief. A person commits malicious mischief in the first, second, or third degree if he or she knowingly and maliciously causes physical damage to the property of another.

*Harassment.* The court may restrict the defendant's ability to have contact with the victim.

**Summary:**

A new section is added to the criminal code, creating the crime of unlawful discharge of a laser.–

**Unlawful discharge of a laser in the first degree.** A person commits unlawful discharge of a laser in the first degree if he or she knowingly and maliciously discharges a laser:

- At a law enforcement officer or other employee of a law enforcement agency who is performing his official duties in uniform or exhibiting evidence of his or her authority, and in a manner that would support that officer's or employee's reasonable belief that he or she is targeted with a laser sighting device or system; or
- At a law enforcement officer or other employee of a law enforcement agency; a pilot; a fire fighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district; a transit operator or driver of a public or private transit company; and a bus driver employed by a school district or private company, who is performing his official duties, causing an impairment of the safety or operation of a vehicle or aircraft, or causing an interruption or impairment of service by annoying or affecting one of the persons just identified.
- **A class C felony, unranked– seriousness level.** *Adults.* An adult offender convicted of unlawful discharge of a laser in the first degree is subject to a determinate sentence which may include: not more than one year of confinement, community service work, other legal financial obligations, a term of community supervision not to exceed one year, and/or a fine. However, the court may impose a sentence which provides more than one year of confinement if the court finds that there are substantial and compelling reasons justifying an exceptional sentence. By statute, the court can subject an adult offender convicted of a class C felony to a maximum five year term of confinement, a fine of \$10,000, or both.
- *Juveniles.* A juvenile convicted of first degree unlawful discharge of a laser with three or fewer prior offenses would receive local sanctions of 0-30 days, and/or 0-12 months community supervision, and/or 0-150 hours community service, and/or a \$0-\$500 fine; and a juvenile with four or more prior offenses would receive up to 15-36 weeks.

**Unlawful discharge of a laser in the second degree.** A person commits unlawful discharge of a laser in the second degree if he or she knowingly or maliciously discharges a laser:

- At a person not described under unlawful discharge of a laser in the first degree, who is operating a motor vehicle at the time, causing an impairment of the safety or operation of the motor vehicle by annoying or affecting the driver; or
- At any person described under unlawful discharge of a laser in the first degree, causing a substantial risk of an impairment or interruption as described under unlawful discharge of a laser in the first degree.
  - **A gross misdemeanor.** *Adults.* An adult offender convicted of a gross misdemeanor is subject to a term of confinement of not more than one year or a fine of not more than \$5,000, or both, as determined by the court.
  - *Juveniles.* If convicted of second degree unlawful discharge of a laser, a juvenile would receive local sanctions.

**Unlawful discharge of a laser in the third degree.** A person commits unlawful discharge of a laser in the third degree if he or she knowingly and maliciously discharges a laser:

- At a person in order to intimidate or threaten that person; or
- At a person, directly or indirectly, in such a manner as to unreasonably cause serious annoyance to that person.
  - **A misdemeanor.** *Adults.* An adult offender convicted of a misdemeanor is subject to a term of confinement of not more than 90 days or a fine of not more than \$1,000, or both, as determined by the court.
  - *Juveniles.* If convicted of third degree unlawful discharge of a laser, a juvenile would receive local sanctions, excluding 0-30 days.

**Harassment.** The crimes of unlawful discharge of a laser in the first, second, and third degree are added to the list of crimes included in harassment.

**Fiscal Note:** Requested on February 18, 1999.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

Office of Program Research